

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)
Order Dismissing Case

This Document Relates to:

**Meggan Hughes v. Bayer HealthCare
Pharmaceuticals Inc., et al. No. 3:11-cv-10695-DRH-
PMF**

**Jessica Vanden Bosch v. Bayer HealthCare
Pharmaceuticals Inc., et al. No. 3:11-cv-10936-DRH-
PMF**

**Tierra Johnson v. Bayer Healthcare
Pharmaceuticals Inc., et al. No. 3:10-cv-20292-DRH-
PMF**

**Robyn Kayij v. Bayer HealthCare
Pharmaceuticals Inc., et al. No. 3:10-cv-13756-DRH-
PMF**

ORDER

This matter is before the Court on defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion for an Order dismissing plaintiffs' claims without prejudice for failure to file an appearance as required by Local Rule 83.1(g)(2). None of the plaintiffs have filed a response to Bayer's motion to dismiss.

On August 25, 2011, the Court granted motions to withdraw filed by plaintiffs' counsel in the *Hughes*, *Vanden Bosch*, *Johnson*, and *Kayij* matters. (*Hughes* DOC. 13; *Vanden Bosch* DOC. 10; *Johnson* DOC. 20; *Kayij* DOC. 11.)

The Order provided that, “[i]f plaintiff or her new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, plaintiff’s action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court including failure to comply with the Plaintiff Fact Sheet requirements.” To date, and in violation of the Order and Local Rule 83.1(g), plaintiffs have not filed a supplementary appearance.

Plaintiffs must comply with the Local Rules and this Court’s orders. Fed. R. Civ. P. 41(b). In addition, plaintiffs’ failure to file an appearance has prejudiced Bayer. Their Plaintiff Fact Sheets were due on or before September 5, 2011.¹ To date, and in violation of Case Management Order 12, plaintiffs Hughes, Vanden Bosch, and Kayij have not served a fact sheet. Bayer received a fact sheet in *Johnson*, however, Bayer states that it is not substantially complete as required by CMO 12.²

¹ Bayer answered the *Hughes* complaint on May 24, 2011 (*Hughes* DOC. 7), the *Vanden Bosch* complaint on May 24, 2011 (*Vanden Bosch* DOC. 4), the *Johnson* complaint on March 7, 2011 (DOC. 17), and the *Kayij* complaint on July 22, 2011 (*Kayij* DOC. 7).

² For example, the PFS did not list dates of product use and the declaration was not signed by the plaintiff. Bayer sent plaintiff’s counsel a notice of these deficiencies on June 20, 2011 (*Johnson*, 3:10-cv-20292-DRH-PMF DOC 21 n.2).

Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

SO ORDERED.

  Digitally signed by David R.
Herndon
Date: 2011.10.24 11:07:02 -05'00'

**Chief Judge
United States District Court**

Date: October 24, 2011